



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

5275 Leesburg Pike, MS: IRTM  
Falls Church, VA 22041



IN REPLY REFER TO:  
FWS-2020-00627

September 30, 2020

Blakely Hildebrand  
Southern Environmental Law Center  
601 W Rosemary Street Ste 220  
Chapel Hill, NC 27516  
Email: [bhildebrand@selcnc.org](mailto:bhildebrand@selcnc.org)

Dear Ms. Hildebrand:

This interim letter is in response to your Freedom of Information Act (FOIA) request, dated April 24, 2020, and received in our office on the same day. The tracking number is 2020-00627. In your letter, you asked for the following:

- “1. Any documents related to a 2019 U.S. Department of Interior Solicitor’s Opinion announcing the reversal of the 1994 legal memorandum interpreting section 6(a)(6)(G) of CBRA and explaining why the 1994 legal memorandum was flawed, including but not limited to the 2019 opinion itself;
2. Any documents related to environmental review of the CSRM Projects pursuant to the National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4332, et seq., including but not limited to draft and final environmental reviews, Record(s) of Decision, and Finding(s) of No Significant Impact;
3. Any documents related to consultations or other analyses conducted pursuant to the Endangered Species Act, 16 U.S.C. 1531, et seq., related to the CSRM projects, including but not limited to biological opinions; and
4. Any documents related to the Interagency Consultation between the Corps and FWS related to the CSRM Projects, including but not limited to consultation request(s) by the Corps, addenda to consultation request(s), and the FWS’ response to the Corps’ request.”

We are providing 724 pages of responsive records, which are being released to you in its entirety.

Additionally, as part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration

Room 2510  
8601 Adelphi Road  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 202-741-5770  
Facsimile: 202-741-5769  
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

You may seek dispute resolution services from the Acting FOIA Public Liaison, Cindy Cafaro at (888) 603-7119.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this request, please contact Maritiza Harris, FWS Government Information Specialist, via email at [FWHQ\\_FOIA@fws.gov](mailto:FWHQ_FOIA@fws.gov) or by mail at U.S. Fish and Wildlife Service; ATTN: Maritiza Harris; 5275 Leesburg Pike; MS: IRTM; Falls Church, VA 22041.

Sincerely,

**MARITIZ**

**A HARRIS**

for Cathy Willis  
FWS FOIA Officer

Digitally signed by  
MARITIZA HARRIS

Date: 2020.09.30  
17:49:10 -04'00'